

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JOEL S. ARIOS, in his official capacity as Insurance Commissioner of the Commonwealth of Pennsylvania, as Liquidator of RELIANCE INSURANCE COMPANY (IN LIQUIDATION),
Plaintiff,
v.
PAULA FINANCIAL,
Defendant

) CIVIL ACTION NO. 1:07-cv-00048-JJF
)
)
)
)
DECLARATION OF WILLIAM K.
SWANK IN SUPPORT OF
DEFENDANT'S OPPOSITION TO
PLAINTIFF'S MOTION FOR
PROTECTIVE ORDER
)

DECLARATION OF WILLIAM K. SWANK

I, William K. Swank, declare as follows:

1. I am a partner in the law firm of Holme, Roberts & Owen LLP and am the lead attorney for Defendant PAULA Financial in the case captioned JOEL S. ARIOS, in his official capacity as Insurance Commissioner of the Commonwealth of Pennsylvania, as Liquidator of RELIANCE INSURANCE COMPANY (IN LIQUIDATION), v. PAULA Financial, Delaware District Court Case No. 07-048-JJF. I am admitted to this Court *pro hac vice* for purposes of this matter.
2. I have personal knowledge of the facts set forth herein, except as stated on information and belief, and am competent to testify with respect to them.
3. On November 19, 2007, I attended a telephonic status conference before Magistrate Judge Thynge. Gerald Arth and Cheryl Garber attended on behalf of the Liquidator. Jonathan Fetterly, Chad Shandler and I appeared on behalf of PAULA. The purpose of this status conference was to address whether the parties were ready for mediation on January 14, 2008. Prior to Magistrate Thynge joining the call, I informed counsel for the Liquidator that PAULA was planning on traveling to Seattle for the depositions of the Montlake witnesses during mid-December, and that PAULA anticipated taking approximately four depositions. I also discussed with Mr. Arth the option of commencing the depositions on a Tuesday so that he could utilize Monday as a travel day. Additionally, PAULA's intention of taking depositions was acknowledged after Magistrate Judge Thynge joined in the call. Counsel for the Liquidator

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made no objections during the call. Mr. Arth asked that we first clear dates with him before noticing the depositions. I informed him that we would, and said that we might have available dates as early as that day and we would inform of dates as soon as we had them.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 10th day of December, 2007, at Los Angles California.

William K. Swank

William Swank

CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2007, I electronically filed the foregoing with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following, who have also been served as noted:

VIA HAND DELIVERY

Sheldon K. Rennie, Esq.
Fox Rothschild, LLP
919 N. Market Street, Suite 1300
P.O. Box 2323
Wilmington, DE 19899-2323

I hereby certify that on December 11, 2007, the foregoing was sent to the following non-registered participants in the manner indicated:

VIA FEDERAL EXPRESS

Gerald E. Arth, Esq.
Cheryl A. Garber, Esq.
Fox Rothschild, LP
2000 Market Street, Tenth Floor
Philadelphia, PA 19103-3291



Jameson A.L. Tweedie (#4927)

Dated: December 11, 2007